

SENATE BILL 78

BILL NUMBER: SB 78 ENROLLED BILL TEXT

PASSED THE SENATE SEPTEMBER 10, 1999
PASSED THE ASSEMBLY SEPTEMBER 9, 1999
AMENDED IN ASSEMBLY SEPTEMBER 7, 1999
AMENDED IN SENATE APRIL 27, 1999

INTRODUCED BY Senator Murray

DECEMBER 7, 1998

An act to add and repeal Section 13024 of the Penal Code, and to add and repeal Sections 2400.4 and 2400.5 of the Vehicle Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 78, Murray. Commissioner of the California Highway Patrol: annual report.

(1) Existing law specifies the powers and duties of the Commissioner of the California Highway Patrol.

This bill would require each member of the California Highway Patrol to report to the commissioner, in the manner prescribed by the commissioner, as to the number of motor vehicle drivers stopped by law enforcement, whether or not a citation or warning was issued, for each stop, certain specified information, and other information. On July 1, 2002, and July 1, 2003, the bill would impose the same reporting requirements on each city and county law enforcement agency in specified counties, and on July 1 2003, and July 1, 2004, impose those requirements on city and county law enforcement agencies in all other counties, thereby imposing a state-mandated local program by increasing the level of services required of local law enforcement agencies.

The bill would require the commissioner to collect this information and to report to the Governor and Legislature, as specified.

The bill also would require that data collected pursuant to these provisions be used only for research and statistical purposes and not contain any information that would reveal the identity of any

individual who is stopped for a traffic violation or the identity of any law enforcement officer.

The bill would require the commissioner to perform these duties within existing budgetary resources.

The bill also would provide that its provisions would be repealed on January 1, 2005, unless a later enacted statute that is enacted prior to January 1, 2005, deletes or extends that date.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13024 is added to the Penal Code, to read:

13024. (a) The members of the California Highway Patrol and law enforcement agencies described in Section 2400.5 of the Vehicle Code shall report to the Commissioner of the California Highway Patrol, in the manner that he or she prescribes, as to the number of motor vehicle drivers stopped by members and law enforcement agencies, whether or not a citation or warning was issued, and, for each stop, the information listed in Section 2400.5 of the Vehicle Code.

(b) Data required pursuant to subdivision (a) shall be used only for research or statistical purposes and shall not contain any information that may reveal the identity of any individual who is stopped or any peace officer.

(c) The Department of the California Highway Patrol shall perform the duties required by this section within existing budgetary resources.

(d) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 2. Section 2400.4 is added to the Vehicle Code, to read:

2400.4. (a) The Legislature finds and declares that it is in the public's interest that a study be conducted to identify the physical characteristics of motorists stopped with respect to traffic law enforcement. The Legislature declares that, as the largest traffic law enforcement agency in the world, it is appropriate and fitting that the Department of the California Highway Patrol conduct that study.

(b) Pursuant to subdivision (a) and in accordance with Section 2400.5, enforcement agencies shall report to the commissioner, at those times and in the manner that he or she prescribes, the number of motor vehicle drivers stopped for all traffic law enforcement, whether or not a citation or warning was issued, and for each stop, the information listed in Section 2400.5.

(c) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 3. Section 2400.5 is added to the Vehicle Code, to read:

2400.5. (a) On July 1, 2000, July 1, 2001, July 1, 2002, and July 1, 2003, the commissioner shall prepare an annual report that collects from members of the California Highway Patrol, all of the following:

(1) Information regarding the number of motor vehicle drivers stopped for all traffic law enforcement purposes.

(2) Whether or not a citation or warning was issued.

(3) Data on the following information for each stop:

(A) Based on visual observation, the race or ethnicity of the individual stopped.

(B) Whether the stop was based on any of the following:

(i) Violation of the Vehicle Code.

(ii) Violation of the Penal Code.

(iii) Violation of a local ordinance.

(iv) The appearance of the driver or the appearance of the vehicle matches the description of a crime suspect or of a vehicle involved in the commission of a crime or belonging to a crime suspect.

(4) Whether a vehicle search was instituted as a result of the stop.

(5) Whether any written citation, warning, or arrest was made as a result of the search or stop.

(b) On July 1, 2002, and on July 1, 2003, each city and county law enforcement agency within the Counties of Alameda, Contra Costa, Los Angeles, Riverside, San Bernardino, Santa Clara, and San Diego, and the City and County of San Francisco, shall report to the commissioner, in the manner that he or she prescribes, the number of motor vehicle drivers stopped by law enforcement, whether or not a citation or warning was issued, and, for each stop, the information listed in subdivision (a).

(c) On July 1, 2003, and on July 1, 2004, each city and county law enforcement agency within those counties not included in the listing in subdivision (b), shall report to the commissioner, in the manner that he or she prescribes, the number of motor vehicle drivers stopped by law enforcement, whether or not a citation or warning was issued, and, for each stop, the information listed in subdivision (a).

(d) Data acquired pursuant to this section shall be used only for research or statistical purposes and shall not contain any information that may reveal the identity of any individual who is stopped or any law enforcement officer.

(e) Notwithstanding Section 7550.5 of the Government Code, the commissioner shall present to the Governor and the Legislature, on or before July 1, 2002, a report containing the information specified in this section and, on or before July 1, 2002, July 1, 2003, and July 1, 2004, a report containing the information specified in this section for the previous year.

(f) The commissioner shall perform the duties required by this section within existing budgetary resources.

(g) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2005, deletes or extends that date.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.